

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GRAMMER INDUSTRIES, INC.,)	
)	
Plaintiff,)	Case No. 15-CV-12694
)	
v.)	Hon. Paul D. Borman
)	
BEACH MOLD AND TOOL, INC.,)	Magistrate Judge R. Steven
and AMERICAN INDUSTRIAL)	Whalen
ACQUISITION CORPORATION d/b/a)	
iP3 Plastics Mexico)	
)	
Defendants,)	
and)	
)	
BEACH MOLD AND TOOL, INC.,)	
)	
Cross-Claimant)	
)	
v.)	
)	
AMERICAN INDUSTRIAL)	
ACQUISITION CORP. d/b/a/ iP3)	
Plastics Mexico)	
)	
Cross-Defendant.)	
)	

PLAINTIFF’S MOTION TO SEAL DOCUMENTS

Pursuant to Local Rule 5.3(b)(2) Plaintiff Grammer Industries, Inc. (“Grammer”), by and through its attorneys Foley & Lardner LLP, moves to seal Defendants Exhibit K, N, and O to Grammer’s Motion for Leave to Amend the Complaint or, in the Alternative to Extend the Time for Service because the

exhibits contain confidential business information that cannot be adequately protected by any other means. The Motion is supported by the accompanying Brief. Pursuant to Local Rule 7.1, Grammer sought concurrence in the relief requested, but concurrence has not yet been obtained.

Dated: June 24, 2016

Respectfully submitted,

FOLEY & LARDNER LLP

By: /s/ Andrew B. Fromm
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ACQUISITION CORP. d/b/a/ iP3)	
Plastics Mexico)	
)	
Cross-Defendant.)	
)	

PLAINTIFF'S BRIEF IN SUPPORT OF ITS MOTION TO SEAL
DOCUMENTS

STATEMENT OF ISSUE PRESENTED

1. Should this Court enter an order allowing Defendant, in connection with its Motion for Leave, to file Exhibits K, N, and O under seal and require that the exhibits remain under seal until this Court orders otherwise?

Plaintiff Answers: Yes.

CONTROLLING OR MOST APPROPRIATE AUTHORITY

Rules

Fed. R. Civ. P. 5.2(d)

Local Rule 5.3(b)

INTRODUCTION

Plaintiff Grammer Industries, Inc. (“Grammer”) respectfully moves this Court, pursuant to Fed. R. Civ. P. 5.2(d) and Eastern District of Michigan Local Rule 5.3(b), for an Order permitting the filing under seal of Exhibits K, N, and O to Plaintiff Grammer’s Motion for Leave to Amend the Complaint or, in the Alternative, to Extend the Time for Service, because Exhibits K, N, and O have been marked Confidential by Defendant Beach Mold and contain information confidential or proprietary to Beach Mold.

DISCUSSION

Defendant Beach Mold has produced documents to Grammer during discovery that Beach Mold has marked “Confidential,” including Exhibits K, N, and O. Exhibit K is a sale agreement among Defendant Beach Mold and additional parties, the “Capital Interests Purchase Agreement.” Exhibit N is a Services Agreement among Defendant Beach Mold and additional parties, the “Services Agreement.” Exhibit O is a Management Agreement between Beach Mold and additional parties the “Management Agreement.” The parties have been working on terms for an acceptable protective order concerning the documents produced by Beach Mold on June 3, 2016, including the Capital Interests Purchase Agreement, the Services Agreement, and the Management Agreement, but to date the parties have been unable to agree. Plaintiff Grammer has no objection to sealing the

exhibits as confidential until such time that an acceptable protective order is entered by the parties. There is no less restrictive means of protecting the information that would avoid potential harm to Beach Mold. Unless Exhibits K, N, and O are filed under seal, the confidential information contained therein will be in the public record.

WHEREFORE, For the reasons identified herein, Grammer respectfully requests that this Court grant its motion to seal documents, and requests that these documents remain under seal until further order of the Court.

Dated: June 24, 2016

Respectfully submitted,

FOLEY & LARDNER LLP

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of Grammer's Motion to Seal Documents and Brief in Support and this Certificate of Service were filed electronically on June 24, 2016 with the Clerk of the Court using the ECF system, which will send notification of such filing to all attorneys of record and by certified mail on Defendant American Industrial Acquisition Corporation's Registered Agent at the address below:

The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

/s/ Andrew B. Fromm

Andrew B. Fromm